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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,466	03/20/2001	Brian Collamore	10010175-1	1951

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EXAMINER

SMITHERS, MATTHEW

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,466

Applicant(s)

COLLAMORE ET AL.

Examiner

Matthew B. Smithers

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2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-11,13-18,20 and 21 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-4,7-11,14-18 and 21 is/are rejected.
7) ☒ Claim(s) 6,13 and 20 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-4, 6-11, 13-18 and 20-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

Claim 13 is objected to because of the following informalities: Claim 13 depends from canceled claim 12. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 7-11, 14-18, and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. patent 6,587,945 granted to Pasieka.

Regarding claim 1, Pasieka meets the claimed limitations as follows:

"An image management system, comprising:

an image acquisition device, comprising an ultrasound diagnostic device;" see column 4, lines 11-22 (. . . author operates an imager. . . The imager may include . . . ultrasound imager . . .)

"a computer coupled to the image acquisition device, the computer including logic for receiving a diagnostic image from the image acquisition device;" column 4, lines 24-26 (. . . the imager transmits the image to a secure server . . .)

"and a memory element associated with the computer, where the memory element stores a plurality of electronic signature files;" see column 5, lines 51-54 (. . . the server stores the information items . . .)

wherein the computer includes logic for associating one of the plurality of electronic signature files with the diagnostic image." see column 4, lines 30-57 (. . . the transmission will identify the author and the imager device. . . the server combines the imager ID (or author ID) and image sequence number with the image to produce an image record and stores the image record. . .).

Regarding claim 2, Pasioka meets the claimed limitations as follows:

"The image management system of claim 1, wherein each of the plurality of electronic signature files corresponds to a signature of a user of the image management system." see column 8, lines 31-49 (. . . the author's workstation produces and stores a report record containing the report. . . to form the author's signature for the report. . .).

Regarding claim 3, Pasioka meets the claimed limitations as follows:

"The image management system of claim 2, further comprising a client application associated with the computer, where the client application instructs the computer to

associate one of the plurality of electronic signature files with the diagnostic image.” see column 10, line 11 to column 12, line 8 and Figures 2a-2h.

Regarding claim 4, Pasioka meets the claimed limitations as follows:

“The image management system of claim 3, wherein the client application further comprises:

a user interface configured to present to the user of the image management system a plurality of choices from which the user identifies him or herself as the user of the image management system so that the electronic signature file associated with the diagnostic image corresponds to the user of the image management system.” see column 10, line 11 to column 12, line 8 and Figures 2a-2h.

Regarding claim 7, Pasioka meets the claimed limitations as follows:

“The image management system of claim 1, further comprising: a network configured to couple the image acquisition device to the computer, and a network interface associated with the image acquisition device and the computer, the network interface configured to electronically transfer the diagnostic image over the network.” see column 4, lines 24-30 (. . . the imager transmits the image to a secure server over a secure channel. The secure channel may be an encrypted message over a public network or an non-encrypted message over a private (secure) network . . .).

Claims 8-11 and 14 and method claims that are substantially equivalent to system claims 1-4 and 7. Therefore, claims 8-11 and 14 are rejected by a similar rationale.

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Claims 15-18 and 21 and computer readable medium claims that are substantially equivalent to system claims 1-4 and 7. Therefore, claims 15-18 and 21 are rejected by a similar rationale.

Allowable Subject Matter

Claims 6, 13, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to claims 6, 13, and 20, the cited prior art fails to specifically teach the electronic signature file is associated with the diagnostic image only after the entry of a password.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


A. Gritzalis et al., "Developing Secure Web-based Medical Applications", discloses a secure architecture for remotely providing medical information to patients and healthcare providers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Matthew B Smithers
Primary Examiner
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